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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/531,978	03/20/2000	Edward I. Sun	AVERP2720US	6960

7590

01/30/2002

Armand P Boisselle
Renner Otto Boisselle & Sklar LLP
1621 Euclid Avenue
19th Floor
Cleveland, OH 44115

EXAMINER

ZIRKER, DANIEL R

ART UNIT

PAPER NUMBER

1771

8

DATE MAILED: 01/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

P r i d f r Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE -3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 12/4/01
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-75 is/are pending in the application.
- Of the above claim(s) 1-55, 70-75 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 56-69 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Pri rity under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4, 5
- ☐ Notice of Referenc (s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Intervi w Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Oth r _____

Office Acti n Summary

Art Unit 1771

1. Applicants' election without traverse of claims 56-69 in Paper No. 7 is acknowledged.

The Examiner additionally notes applicants' request to revise the restriction requirement to only three groups of claims instead of four and additionally to include claims 70-73 with the Group I claims, and claims 74-75 with the Group II claims. The Examiner agrees with applicants' suggestion and, accordingly, this is hereby done.

2. The abstract of the disclosure is objected to because the Abstract should be at most 150 words. Accordingly, applicants should submit a revised Abstract that is less than 150 words with their next response. Correction is required. See MPEP § 608.01(b).

3. The following is a quotation of the second paragraph of 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 56-69 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. More particularly, in claim 56, line 6 of the claim proper Markush language should be inserted in place of "comprising".

Art Unit 1771

5. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 56-69 are rejected under 35 U.S.C. § 103(a) as being unpatentable over either Adams et al. or Freedman -782. The references each disclose (note particularly Adams et al., Figure 3, column 1 lines 53-67, column 2 lines 17-45 (note the reference cites Freedman -782), column 3 lines 4-29, column 4 line 23 - column 5 line 25, column 6 lines 30-35, column 7 lines 6-40, column 8 lines 9-14, column 9 lines 10-24; Freedman -782, Figure 5, column 2 lines 50-59, column 4 lines 5-12, column 5 lines 16-20, lines 47-54, line 65 - column 6 line 27, column 8 lines 3-28, column 9 lines 1-32) closely related multilayer films suitable for use as label stock. Although Adams et al. clearly prefers a machine direction only oriented polypropylene based film, it substantially discloses such remaining parameters as the three layered structure that applicants contemplate (note, e.g. Fig. 3 and its related disclosure at column 6 lines 30-35). The reference further teaches the three layered structure of a base

Art Unit 1771

core having on one outer surface a thermoplastic skin layer and on the opposing opposite surface a suitable adhesive layer which may be pressure sensitive in nature, with the three layered elements each capable of being formed from a species of embodiments which applicants so contemplate. Although biaxially oriented films are clearly not preferred, the reference does cite Freedman -782 (column 2) in which such films are taught as suitable and at column 9 the reference only gives a vague teaching that biaxial orientation may result in an overly stiff label film, which is believed curable by other techniques known to one of ordinary skill. With respect to Freedman, the reference teaches the same relied upon structure (Fig. 5) that applicants contemplate, together with in certain embodiments the usage of suitable polymeric materials for each of the three layers. Note also that at column 8 lines 3-23 such techniques as biaxial orientation of the films are taught as suitable for use in the practice of the invention.

With respect to those embodiments set forth in the dependent claims such as the usage of various film layer species (claims 57-59), the references are believed to, if not specifically teach the focused upon species at least disclose closely related embodiments thereof, and with respect to the remaining dependent claims, these are each believed to be, if not

Serial No. 09/531,978

-5-

Art Unit 1771

expressly or inherently disclosed, obvious modifications to one of ordinary skill in the absence of unexpected results.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Zirker whose telephone number is (703) 308-0031. The examiner can normally be reached on Monday-Thursday from 8:30 A.M. to 6:00 P.M. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on (703) 308-2414. The fax phone number for this Group is (703) 872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Dzirker:cdc

January 24, 2002

**DANIEL ZIRKER
PRIMARY EXAMINER
GROUP 1300-**

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Daniel Zirker